

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

November 10, 2009

E-Verify

The Chief Executive Officer (CEO) issued its first comprehensive report regarding the E-Verify system on October 26, 2009 as instructed by this Board on my motion on August 25, 2009. The report was a collaborative effort between the CEO, Internal Services Department (ISD) and the Office of the County Counsel, and provides a good overview of the E-Verify system, including background, status of lawsuits in various parts of the country and the use of the system by non-Federal and Federal agencies/contractors.

Included in the report is a series of recommendations for CEO and ISD as follows:

1. Convene a workgroup of larger County departments with diverse contracting requirements, to include health and mental health, social services, justice, and community service departments. Based on the volume and variety of contracts managed by each department, the workgroup would assess the economic or operational impacts on departments associated with the implementation of E-Verify requirement for all County contractors. The workgroup would determine appropriate dollar thresholds, types of contracts, exemptions, etc., for a policy recommendation to the Board. The workgroup would also research and develop specific guidelines for using the system;
2. Develop a formal survey instrument to be distributed to all County contractors in order to obtain feedback from contractors on the economic or operational impact associated with the implementation of a County E-Verify requirement;
3. Continue to review other state and local government's experience with requiring the use of E-Verify for their contractors. This must include an assessment of the accuracy and/or error rate of the system; and
4. Monitor any potential issues associated with the Federal government's implementation of the E-Verify program for future contractors, which went into effect on September 9, 2009.

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The recommendations also include:

5. County Counsel to continue to monitor pending or future litigation and report on any potential risk or liability issues that may impact E-Verify implementation for County contractors; and,
6. County staff will meet with advocacy groups to solicit input and concerns.

I, THEREFORE, MOVE THAT the Board of Supervisors direct the CEO, ISD and County Counsel to report back in 30 days with the results of the recommendations contained in the CEO's October 26, 2009 E-Verify report.

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MDA:apg